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S. 382

IN THE SENATE OF THE UNITED STATES

JULY 21, 1971

Ordered to be printed

AMENDMENT

Proposed by Mr. PASTORE (for himself, Mr. TALMADGE, Mr. MANSFIELD, and Mr. CANNON) to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

- 1 That this Act may be cited as the "Federal Election Cam-
- 2 paign Act of 1971".

Amdt. No. 308

★(Star Print)

1 TITLE I—AMENDMENTS TO COMMUNICATIONS
2 ACT OF 1934; LIMITATIONS ON CAMPAIGN
3 EXPENDITURES FOR NONBROADCAST COM-
4 MUNICATIONS MEDIA

5 EXCEPTION TO EQUAL TIME REQUIREMENTS AND
6 CHARGE LIMITATIONS

7 SEC. 101. (a) Section 315 (a) of the Communications
8 Act of 1934 (47 U.S.C. 315 (a)) is amended by inserting
9 after “public office” in the first sentence thereof a comma
10 and the following: “other than the office of President or Vice
11 President of the United States.”.

12 (b) Section 315 (b) of such Act is amended to read as
13 follows:

14 “(b) The charges made for the use of any broadcasting
15 station by any person who is a legally qualified candidate for
16 any public office in connection with his campaign for nomi-
17 nation for election, or election, to such office shall not
18 exceed—

19 “(1) during the forty-five days preceding the date
20 of a primary election and during the sixty days preced-
21 ing the date of a general or special election in which such
22 person is a candidate, the lowest unit charge of the
23 station for the same amount of time during the same
24 period; and

1 “(2) at any other time, the charges made for com-
2 parable use of such station by other users thereof.”

3 (c) Section 312 (a) of such Act is amended by striking
4 “or” at the end of clause (5), striking the period at the end
5 of clause (6) and inserting in lieu thereof a semicolon and
6 “or”, and adding at the end of such section 312 (a) the fol-
7 lowing new clause

8 “(7) for willful or repeated failure to allow
9 reasonable access to or to permit purchase of reasonable
10 amounts of time for the use of a broadcasting station by
11 a legally qualified candidate on behalf of his candidacy.”.

12 EXPENDITURE LIMITATIONS FOR CANDIDATES FOR
13 MAJOR ELECTIVE OFFICES

14 SEC. 102. Section 315 of the Communications Act of
15 1934 is further amended by redesignating subsection (c)
16 as subsection (e) and by inserting immediately before such
17 subsection the following new subsections:

18 “(c) (1) For purposes of this subsection and subsection
19 (d), the term—

20 “(A) ‘Federal elective office’ means the office of
21 President, Vice President, United States Senator or
22 Representative, or Delegate or Resident Commissioner
23 to the Congress;

24 “(B) ‘use of broadcasting stations by or on behalf

1 of any candidate' includes not only broadcasts advocating
2 such candidate's election, but also broadcasts urging the
3 defeat of his opponent or derogating his opponent's stand
4 on campaign issues;

5 " (C) 'legally qualified candidate' means any person
6 who (1) meets the qualifications prescribed by the ap-
7 plicable laws to hold the Federal elective office for which
8 he is a candidate and (2) is eligible under applicable
9 State law to be voted for by the electorate directly or by
10 means of delegates or electors; and

11 " (D) 'broadcasting station' includes a community
12 antenna television system, and the terms 'licensee' and
13 'station licensee' when used with respect to a community
14 antenna television system, mean the operator of such
15 system.

16 " (2) No legally qualified candidate in any primary,
17 runoff, general, or special election for a Federal elective
18 office may spend for the use of broadcasting stations on
19 behalf of his candidacy in such election a total amount in
20 excess of—

21 " (A) 5 cents multiplied by the estimate of resident
22 population of voting age for such office, as determined
23 by the Bureau of Census in June of the year preceding
24 the year in which the election is to be held; or

1 “(B) \$30,000, if greater than the amount deter-
2 mined under subparagraph (A). .

3 A legally qualified candidate for nomination for election
4 to the office of President may not spend a total amount
5 for all primary elections held for such office in which he is
6 a candidate in excess of the limitation provided by the first
7 sentence of this paragraph.

8 “(3) Amounts spent for the use of broadcasting sta-
9 tions on behalf of any legally qualified candidate for Fed-
10 eral elective office (or for nomination to such office) shall,
11 for the purposes of this subsection, be deemed to have been
12 spent by such candidate. Amounts spent for the use of broad-
13 casting stations by or on behalf of any legally qualified
14 candidate for the office of Vice President of the United
15 States shall, for the purposes of this subsection, be deemed
16 to have been spent by the candidate for the office of Presi-
17 dent of the United States with whom he is running.

18 “(4) No station licensee may make any charge for the
19 use of such station by or on behalf of any candidate for
20 Federal elective office (or for nomination to such office)
21 unless such candidate, or a person specifically authorized
22 by such candidate in writing to do so, certifies to such li-
23 censee in writing that the payment of such charge will not
24 violate paragraph (2).

1 “(5) Broadcasting stations and candidates shall file
2 with the Commission such reports at such times and contain-
3 ing such information as the Commission shall prescribe for
4 the purpose of this subsection and, in the case of broadcast-
5 ing stations, subsection (d).

6 “(d) If the Commission determines that—

7 “(1) a State by law—

8 “(A) has provided that a primary or other
9 election for any office of such State or of a political
10 subdivision thereof is subject to this subsection, and

11 “(B) has specified a limitation upon total ex-
12 penditures for the use of broadcasting stations on
13 behalf of the candidacy of each legally qualified
14 candidate in such election, and

15 “(2) the amount of such limitation does not exceed
16 the amount which would be determined for such election
17 under subsection (c) had such election been an election
18 for a Federal elective office, or nomination thereto, then
19 no station licensee may make any charge for the use of
20 such station by or on behalf of any legally qualified
21 candidate in such election unless such candidate, or a
22 person specifically authorized by such candidate in writ-
23 ing to do so, certifies to such licensee in writing that
24 the payment of such charge will not violate such limi-
25 tation.”

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR
NONBROADCAST COMMUNICATIONS MEDIA

SEC. 103. (a) For purposes of this section, the term—

(1) “Federal elective office” means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

(2) “nonbroadcast communications medium” means newspapers, magazines, and other periodical publications, and billboard facilities;

(3) “legally qualified candidate” means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(4) “use of any nonbroadcast communications media by or on behalf of any candidate” includes not only amounts spent for advocating a candidate’s election, but also amounts spent for urging the defeat of his opponent or derogating his opponent’s stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made

1 for the use of any nonbroadcast communications medium by
2 an individual who is a legally qualified candidate for Fed-
3 eral elective office shall not exceed the lowest unit rate
4 charged others by the person furnishing such medium for the
5 same amount of space.

6 (c) No legally qualified candidate in any primary,
7 runoff, general, or special election for a Federal elective
8 office may spend for the use of nonbroadcast communications
9 media on behalf of his candidacy in such election a total
10 amount in excess of—

11 (1) 5 cents multiplied by the estimate of resident
12 population of voting age for such office, as determined
13 by the Bureau of Census in June of the year preceding
14 the year in which the election is to be held; or

15 (2) \$30,000, if greater than the amount determined
16 under clause (1).

17 A legally qualified candidate for nomination for election
18 to the office of President may not spend a total amount for
19 all primary elections held for such office in which he is a
20 candidate in excess of the limitation provided by the first
21 sentence of this paragraph.

22 (d) Amounts spent for the use of nonbroadcast com-
23 munications media on behalf of any legally qualified can-
24 didate for Federal elective office (or for nomination to such
25 office) shall, for the purposes of this section, be deemed to

1 have been spent by such candidate. Amounts spent for the
2 use of nonbroadcast communications media by or on behalf
3 of any legally qualified candidate for the office of Vice Presi-
4 dent of the United States shall, for the purposes of this
5 section, be deemed to have been spent by the candidate for
6 the office of President of the United States with whom he
7 is running.

8 (e) No person may make any charge for the use of
9 any nonbroadcast communications medium by or on behalf
10 of any candidate for Federal elective office (or for nomi-
11 nation to such office) unless such candidate, or an individual
12 specifically authorized by such candidate in writing to do
13 so, certifies to such person that the payment of such charge
14 will not violate subsection (c). Any person who furnishes
15 the use of any nonbroadcast communications medium to or
16 for the benefit of any such candidate without charge therefor
17 shall be deemed to have made a contribution to such can-
18 didate in an amount equal to the amount normally charged
19 for such person for such use. Any person who furnishes the
20 use of any nonbroadcast communications medium to or for
21 the benefit of any such candidate at a rate which is less than
22 the rate normally charged by such person for such use shall
23 be deemed to have made a contribution to such candidate
24 in an amount equal to the excess of the rate normally
25 charged over the rate charged such candidate.

1 (f) Violation of the provisions of this section is pun-
2 ishable by a fine not to exceed \$5,000, imprisonment for
3 not to exceed five years, or both.

4 COST-OF-LIVING INCREASE IN LIMITATION FORMULA

5 SEC. 104. (a) For purposes of this section, the term—

6 (1) “price index” means the annual average over
7 a calendar year of the Consumer Price Index (all
8 items—United States city average) published monthly
9 by the Bureau of Labor Statistics; and

10 (2) “base period” means the calendar year 1970.

11 (b) Commencing immediately after the end of 1971,
12 and after the end of each calendar year thereafter, as there
13 becomes available necessary data from the Bureau of Labor
14 Statistics of the Department of Labor, the Secretary of La-
15 bor shall determine the difference between the price index
16 for the immediately preceding calendar year and the price
17 index for the base period. The amount computed under sec-
18 tion 315 (c) (2) (A) of the Communications Act of 1934
19 (as added by section 102 of this Act) and under section 103
20 (c) (1) of this Act shall be increased by such per centum
21 difference (excluding any fraction of a per centum) and
22 rounded to the next highest cent. Each amount so increased
23 shall be the amount in effect for the twelve months following
24 the end of such calendar year.

EFFECTIVE DATE

SEC. 105. This title shall take effect on the date of enactment of this Act, except that—

(1) the amendment made by section 101 (b) shall take effect thirty days after such date; and

(2) section 102 shall take effect on such date as the Federal Communications Commission shall prescribe, but not later than one hundred and twenty days after the date of enactment of this Act.

TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

“§ 591. Definitions

“When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

“(a) ‘election’ means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of dele-

1 gates to a constitutional convention for proposing
2 amendments to the Constitution of the United States;

3 “(b) ‘candidate’ means an individual who seeks
4 nomination for election, or election, to Federal office,
5 whether or not such individual is elected, and, for pur-
6 poses of this paragraph, an individual shall be deemed
7 to seek nomination for election, or election, to Federal
8 office, if he has (1) taken the action necessary under
9 the law of a State to qualify himself for nomination for
10 election, or election, or (2) received contributions or
11 made expenditures, or has given his consent for any
12 other person to receive contributions or make expendi-
13 tures, with a view to bringing about his nomination for
14 election, or election, to such office;

15 “(c) ‘Federal office’ means the office of President
16 or Vice President of the United States, or Senator or
17 Representative in, or Delegate or Resident Commis-
18 sioner to, the Congress of the United States;

19 “(d) ‘political committee’ means any individual,
20 committee, association, or organization which accepts
21 contributions or make expenditures during a calendar
22 year in an aggregate amount exceeding \$1,000;

23 “(e) ‘contribution’ means—

24 “(1) a gift, subscription, loan, advance, or de-
25 posit of money or anything of value (except a loan

1 of money by a national or State bank made in
2 accordance with the applicable banking laws and
3 regulations), made for the purpose of influencing
4 the nomination for election, or election, of any
5 person to Federal office, for the purpose of in-
6 fluencing the results of a primary held for the selec-
7 tion of delegates to a national nominating conven-
8 tion of a political party or for the expression of a
9 preference for the nomination of persons for election
10 to the office of President, or for the purpose of in-
11 fluencing the election of delegates to a constitu-
12 tional convention for proposing amendments to the
13 Constitution of the United States;

14 “(2) a contract, promise, or agreement, ex-
15 press or implied, whether or not legally enforceable,
16 to make a contribution for such purposes;

17 “(3) a transfer of funds between political com-
18 mittees; and

19 “(4) the payment, by any person other than
20 a candidate or political committee, of compensation
21 for the personal services of another person which
22 are rendered to such candidate or political committee
23 without charge for any such purpose;

24 “(f) ‘expenditure’ means—

25 “(1) a purchase, payment, distribution, loan,

1 advance, deposit, or gift of money or anything of
2 value (except a loan of money by a national or
3 State bank made in accordance with the applicable
4 banking laws and regulations), made for the
5 purpose of influencing the nomination for elec-
6 tion, or election, of any person to Federal office,
7 for the purpose of influencing the result of a primary
8 held for the selection of delegates to a national
9 nominating convention of a political party or for
10 the expression of a preference for the nomination
11 of persons for election to the office of President, or
12 for the purpose of influencing the election of dele-
13 gates to a constitutional convention for proposing
14 amendments to the Constitution of the United
15 States;

16 “(2) a contract, promise, or agreement, ex-
17 press or implied, whether or not legally enforceable,
18 to make any expenditure; and

19 “(3) a transfer of funds between political com-
20 mittees;

21 “(g) ‘person’ and ‘whoever’ mean an individual,
22 partnership, committee, association, corporation, or any
23 other organization or group of persons; and

24 “(h) ‘State’ means each State of the United
25 States, the District of Columbia, the Commonwealth

1 of Puerto Rico, and any territory or possession of the
2 United States.”

3 SEC. 202. Section 600 of title 18, United States Code,
4 is amended to read as follows:

5 **“§ 600. Promise of employment or other benefit for politi-**
6 **cal activity**

7 “Whoever, directly or indirectly, promises any employ-
8 ment, position, compensation, contract, appointment, or
9 other benefit, provided for or made possible in whole or in
10 part by any Act of Congress, or any special consideration
11 in obtaining any such benefit, to any person as consideration,
12 favor, or reward for any political activity or for the support
13 of or opposition to any candidate or any political party in
14 connection with any general or special election to any politi-
15 cal office, or in connection with any primary election or
16 political convention or caucus held to select candidates for
17 any political office, shall be fined not more than \$1,000 or
18 imprisoned not more than one year, or both.”

19 SEC. 203. Section 608 of title 18, United States Code, is
20 repealed.

21 SEC. 204. Section 609 of title 18, United States Code, is
22 repealed.

23 SEC. 205. Section 611 of title 18, United States Code, is
24 amended to read as follows:

1 **“§ 611. Contributions by Government contractors**

2 “Whoever—

3 “(a) entering into any contract with the United
4 States or any department or agency thereof either for
5 the rendition of personal services or furnishing any
6 material, supplies, or equipment to the United States
7 or any department or agency thereof or for selling any
8 land or building to the United States or any depart-
9 ment or agency thereof, if payment for the performance
10 of such contract or payment for such material, supplies,
11 equipment, land, or building is to be made in whole or
12 in part from funds appropriated by the Congress, at
13 any time between the commencement of negotiations
14 for and the later of (1) the completion of performance
15 under, or (2) the termination of negotiations for, such
16 contract or furnishing of material, supplies, equipment,
17 land or buildings, directly or indirectly makes any con-
18 tribution of money or other thing of value, or promises
19 expressly or impliedly to make any such contribution,
20 to any political party, committee, or candidate for public
21 office or to any person for any political purpose or use;
22 or

23 “(b) knowingly solicits any such contribution from
24 any such person for any such purpose during any such
25 period;

1 shall be fined not more than \$5,000 or imprisoned not more
2 than five years, or both.”

3 SEC. 206. The table of sections for chapter 29 of title
4 18, United States Code, is amended by—

5 (1) striking out the item relating to section 608 and
6 inserting in lieu thereof the following:

“608. Repealed.”;

7 (2) striking out the item relating to section 609 and
8 inserting in lieu thereof the following:

“609. Repealed.”;

9 (3) striking out the item relating to section 611
10 and inserting in lieu thereof the following:

“611. Contributions by Government contractors.”.

11 TITLE III—DISCLOSURE OF FEDERAL 12 CAMPAIGN FUNDS

13 DEFINITIONS

14 SEC. 301. When used in this title—

15 (a) “election” means (1) a general, special, pri-
16 mary, or runoff election, (2) a convention or caucus
17 of a political party held to nominate a candidate, (3)
18 a primary election held for the selection of delegates to
19 a national nominating convention of a political party,
20 (4) a primary election held for the expression of a
21 preference for the nomination of persons for election

1 to the office of President, and (5) the election of dele-
2 gates to a constitutional convention for proposing
3 amendments to the Constitution of the United States;

4 (b) “candidate” means an individual who seeks
5 nomination for election, or election, to Federal office,
6 whether or not such individual is elected, and, for pur-
7 poses of this paragraph, an individual shall be deemed to
8 seek nomination for election, or election, if he has (1)
9 taken the action necessary under the law of a State to
10 qualify himself for nomination for election, or election,
11 to Federal office, or (2) received contributions or made
12 expenditures, or has given his consent for any other
13 person to receive contributions or make expenditures,
14 with a view to bringing about his nomination for elec-
15 tion, or election, to such office;

16 (c) “Federal office” means the office of President
17 or Vice President of the United States; or of Senator or
18 Representative in, or Delegate or Resident Commissioner
19 to, the Congress of the United States;

20 (d) “political committee” means any committee,
21 association, or organization which accepts contributions
22 or makes expenditures during a calendar year in an
23 aggregate amount exceeding \$1,000;

24 (e) “contribution” means—

25 (1) a gift, subscription, loan, advance, or

1 deposit of money or anything of value, made for the
2 purpose of influencing the nomination for election,
3 or election, of any person to Federal office or as a
4 presidential or vice-presidential elector, for the
5 purpose of influencing the result of a primary held
6 for the selection of delegates to a national nominat-
7 ing convention of a political party or for the expres-
8 sion of a preference for the nomination of persons
9 for election to the office of President, or for the pur-
10 pose of influencing the election of delegates to a
11 constitutional convention for proposing amendments
12 to the Constitution of the United States;

13 (2) a contract, promise, or agreement, whether
14 or not legally enforceable, to make a contribution
15 for any such purpose;

16 (3) a transfer of funds between political com-
17 mittees; and

18 (4) the payment, by any person other than a
19 candidate or political committee, of compensation
20 for the personal services of another person which
21 are rendered to such candidate or committee without
22 charge for any such purpose;

23 (f) “expenditure” means—

24 (1) a purchase, payment, distribution, loan,
25 advance, deposit, or gift of money or anything of

1 value, made for the purpose of influencing the nomi-
2 nation for election, or election, of any person to
3 Federal office, or as a presidential and vice-presi-
4 dential elector, or for the purpose of influencing the
5 result of a primary held for the selection of delegates
6 to a national nominating convention of a political
7 party or for the expression of a preference for the
8 nomination of persons for election to the office of
9 President, or for the purpose of influencing the elec-
10 tion of delegates to a constitutional convention for
11 proposing amendments to the Constitution of the
12 United States;

13 (2) a contract, promise, or agreement whether
14 or not legally enforceable, to make an expenditure;
15 and

16 (3) a transfer of funds between political
17 committees;

18 (g) “Comptroller General” means the Comptroller
19 General of the United States;

20 (h) “person” means an individual, partnership,
21 committee, association, corporation, labor organization,
22 and any other organization or group of persons; and

23 (i) “State” includes the District of Columbia, the
24 Commonwealth of Puerto Rico, and any territory or
25 possession of the United States.

1 ORGANIZATION OF POLITICAL COMMITTEES

2 SEC. 302. (a) Every political committee shall have a
3 chairman and a treasurer. No contribution and no expendi-
4 ture shall be accepted or made by or on behalf of a political
5 committee at a time when there is a vacancy in the office
6 of chairman or treasurer thereof. No expenditure shall be
7 made for or on behalf of a political committee without the
8 authorization of its chairman or treasurer, or their designated
9 agents.

10 (b) Every person who receives a contribution for a
11 political committee shall, on demand of the treasurer, and
12 in any event within five days after receipt of such con-
13 tribution, render to the treasurer a detailed account thereof,
14 including the amount, the name and address of the person
15 making such contribution, and the date on which received.
16 All funds of a political committee shall be segregated from,
17 and may not be commingled with, any personal funds of
18 officers, members, or associates of such committee.

19 (c) It shall be the duty of the treasurer of a political
20 committee to keep a detailed and exact account of—

21 (1) all contributions made to or for such com-
22 mittee;

23 (2) the full name and mailing address of every
24 person making any contribution, and the date and
25 amount thereof;

1 (3) all expenditures made by or on behalf of such
2 committee; and

3 (4) the full name and mailing address of every
4 person to whom any expenditure is made, and the date
5 and amount thereof.

6 (d) It shall be the duty of the treasurer to obtain and
7 keep a receipted bill, stating the particulars, for every ex-
8 penditure made by or on behalf of a political committee in
9 excess of \$100 in amount, and for any such expenditure in a
10 lesser amount, if the aggregate amount of such expenditures
11 to the same person during a calendar year exceeds \$100.
12 The treasurer shall preserve all receipted bills and accounts
13 required to be kept by this section for periods of time to be
14 determined by the Comptroller General.

15 (e) Any political committee which solicits or receives
16 contributions or makes expenditures on behalf of any candi-
17 date that is not authorized in writing by such candidate to do
18 so shall include a notice on the face or front page of all litera-
19 ture and advertisements published in connection with such
20 candidate's campaign by such committee or on its behalf
21 stating that the committee is not authorized by such candi-
22 date and that such candidate is not responsible for the activi-
23 ties of such committee.

24 REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

25 SEC. 303. (a) Each political committee which antici-
26 pates receiving contributions or making expenditures during

1 the calendar year in an aggregate amount exceeding \$1,000
2 shall file with the Comptroller General a statement of or-
3 ganization, within ten days after its organization or, if later,
4 ten days after the date on which it has information which
5 causes the committee to anticipate it will receive contribu-
6 tions or make expenditures in excess of \$1,000. Each such
7 committee in existence at the date of enactment of this Act
8 shall file a statement of organization with the Comptroller
9 General at such time as he prescribes.

10 (b) The statement of organization shall include—

11 (1) the name and address of the committee;

12 (2) the names, addresses, and relationships of af-
13 filiated or connected organizations;

14 (3) the area, scope, or jurisdiction of the com-
15 mittee;

16 (4) the name, address, and position of the cus-
17 todian of books and accounts;

18 (5) the name, address, and position of other prin-
19 cipal officers, including officers and members of the
20 finance committee, if any;

21 (6) the name, address, office sought, and party
22 affiliation of (A) each candidate whom the committee
23 is supporting, and (B) any other individual, if any,
24 whom the committee is supporting for nomination for
25 election, or election, to any public office whatever; or,

1 if the committee is supporting the entire ticket of any
2 party, the name of the party;

3 (7) a statement whether the committee is a con-
4 tinuing one;

5 (8) the disposition of residual funds which will be
6 made in the event of dissolution;

7 (9) a listing of all banks, safety deposit boxes, or
8 other repositories used;

9 (10) a statement of the reports required to be filed
10 by the committee with State or local officers, and, if so,
11 the names, addresses, and positions of such persons; and

12 (11) such other information as shall be required
13 by the Comptroller General.

14 (c) Any change in information previously submitted in
15 a statement of organization shall be reported to the Comp-
16 troller General within a ten-day period following the change.

17 (d) Any committee which, after having filed one or
18 more statements of organization, disbands or determines it
19 will no longer receive contributions or make expenditures
20 during the calendar year in an aggregate amount exceeding
21 \$1,000 shall so notify the Comptroller General.

22 REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

23 SEC. 304. (a) Each treasurer of a political committee
24 supporting a candidate or candidates for election to Federal
25 office and each candidate for election to such office, shall file

1 with the Comptroller General reports of receipts and ex-
2 penditures on forms to be prescribed or approved by him.
3 Such reports shall be filed on the tenth day of March, June,
4 and September, in each year, and on the fifteenth and fifth
5 days next preceding the date on which an election is held,
6 and also by the thirty-first day of January. Such reports
7 shall be complete as of such date as the Comptroller General
8 may prescribe, which shall not be less than five days before
9 the date of filing.

10 (b) Each report under this section shall disclose—

11 (1) the amount of cash on hand at the beginning
12 of the reporting period;

13 (2) the full name and mailing address of each per-
14 son who has made one or more contributions to or for
15 such committee or candidate (including the purchase of
16 tickets for events such as dinners, luncheons, rallies, and
17 similar fundraising events) within the calendar year in
18 an aggregate amount or value in excess of \$100, to-
19 gether with the amount and date of such contributions;

20 (3) the total sum of individual contributions made
21 to or for such committee or candidate during the report-
22 ing period and not reported under paragraph (2) ;

23 (4) the name and address of each political commit-
24 tee or candidate from which the reporting committee or
25 the candidate received, or to which that committee or

1 candidate made, any transfer of funds, together with the
2 amounts and dates of all transfers;

3 (5) each loan to or from any person within the
4 calendar year in an aggregate amount or value in ex-
5 cess of \$100, together with the full names and mailing
6 addresses of the lender and endorsers, if any, and the date
7 and amount of such loans;

8 (6) the total amount of proceeds from (A) the
9 sale of tickets to each dinner, luncheon, rally, and other
10 fundraising event; (B) mass collections made at such
11 events; and (C) sales of items such as political cam-
12 paign pins, buttons, badges, flags, emblems, hats, ban-
13 ners, literature, and similar materials;

14 (7) each contribution, rebate, refund, or other re-
15 ceipt in excess of \$100 not otherwise listed under para-
16 graphs (2) through (6);

17 (8) the total sum of all receipts by or for such
18 committee or candidate during the reporting period;

19 (9) the full name and mailing address of each
20 person to whom an expenditure or expenditures have
21 been made by such committee or candidate within the
22 calendar year in an aggregate amount or value in excess
23 of \$100, and the amount, date, and purpose of each
24 such expenditure;

25 (10) the full name and mailing address of each

1 person to whom an expenditure for personal services,
 2 salaries, and reimbursed expenses in excess of \$100 has
 3 been made, and which is not otherwise reported, includ-
 4 ing the amount, date, and purpose of such expenditure;

5 (11) the total sum of expenditures made by such
 6 committee or candidate during the calendar year;

7 (12) the amount and nature of debts and obliga-
 8 tions owed by or to the committee, in such form as the
 9 Comptroller General may prescribe; and

10 (13) such other information as shall be required by
 11 the Comptroller General.

12 (c) The reports required to be filed by subsection (a)
 13 shall be cumulative during the calendar year to which they
 14 relate, but where there has been no change in an item re-
 15 ported in a previous report during such year, only the amount
 16 need be carried forward. If no contributions or expenditures
 17 have been accepted or expended during a calendar year, the
 18 treasurer of the political committee or candidate shall file a
 19 statement to that effect.

20 REPORTS BY OTHERS THAN POLITICAL COMMITTEES

21 SEC. 305. Every person (other than a political commit-
 22 tee or candidate) who makes contributions or expenditures,
 23 other than by contribution to a political committee or can-
 24 didate, in an aggregate amount in excess of \$100 within a
 25 calendar year shall file with the Comptroller General a state-

1 ment containing the information required by section 304.
2 Statements required by this section shall be filed on the dates
3 on which reports by political committees are filed, but need
4 not be cumulative.

5 FORMAL REQUIREMENTS RESPECTING REPORTS AND
6 STATEMENTS

7 SEC. 306. (a) A report or statement required by this
8 title to be filed by a treasurer of a political committee, a
9 candidate, or by any other person, shall be verified by the
10 oath or affirmation of the person filing such report or state-
11 ment, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Comptroller General in a published regulation.

(c) The Comptroller General may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Comptroller General shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make con-

1 tributions or expenditures shall be reported. Such regula-
 2 tions shall provide that they be reported in separate sched-
 3 ules. In determining aggregate amounts of contributions and
 4 expenditures, amounts reported as provided in such regula-
 5 tions shall not be considered until actual payment is made.

6 REPORTS ON CONVENTION FINANCING .

7 SEC. 307. Each committee or other organization
 8 which—

9 (1) represents a State, or a political subdivision
 10 thereof, or any group of persons, in dealing with officials
 11 of a national political party with respect to matters in-
 12 volving a convention held in such State or political
 13 subdivision to nominate a candidate for the office of
 14 President or Vice President, or

15 (2) represents a national political party in making
 16 arrangements for the convention of such party held to
 17 nominate a candidate for the office of President or Vice
 18 President,

19 shall, within sixty days following the end of the conven-
 20 tion (but not later than twenty days prior to the date on
 21 which presidential and vice-presidential electors are chosen) .
 22 file with the Comptroller General a full and complete finan-
 23 cial statement, in such form and detail as he may prescribe,
 24 of the sources from which it derived its funds, and the pur-
 25 poses for which such funds were expended.

1 DUTIES OF THE COMPTROLLER GENERAL

2 SEC. 308. (a) It shall be the duty of the Comptroller
3 General—

4 (1) to develop prescribed forms for the making of
5 the reports and statements required to be filed with him
6 under this title;

7 (2) to prepare and publish a manual setting forth
8 recommended uniform methods of bookkeeping and re-
9 porting for use by persons required to make such reports
10 and statements;

11 (3) to develop a filing, coding, and cross-indexing
12 system consonant with the purposes of this title;

13 (4) to make the reports and statements filed with
14 him available for public inspection and copying during
15 regular office hours, commencing as soon as practicable
16 but not later than the end of the second day following
17 the day during which it was received, and to permit
18 copying of any such report or statement by hand or by
19 duplicating machine, as requested by any person, at the
20 expense of such person;

21 (5) to preserve such reports and statements for a
22 period of ten years from date of receipt, except that
23 reports and statements relating solely to candidates for
24 the House of Representatives shall be preserved for only
25 five years from the date of receipt;

1 (6) to compile and maintain a current list of all
2 statements or parts of statements pertaining to each
3 candidate;

4 (7) to prepare and publish an annual report includ-
5 ing compilations of (A) total reported contributions and
6 expenditures for all candidates, political committees, and
7 other persons during the year; (B) total amounts
8 expended according to such categories as he shall deter-
9 mine and broken down into candidate, party, and non-
10 party expenditures on the National, State, and local
11 levels; (C) total amounts expended for influencing
12 nominations and elections stated separately; (D) total
13 amounts contributed according to such categories of
14 amounts as he shall determine and broken down into
15 contributions on the National, State, and local levels for
16 candidates and political committees; and (E) aggregate
17 amounts contributed by any contributor shown to have
18 contributed in excess of \$100;

19 (8) to prepare and publish from time to time special
20 reports comparing the various totals and categories of
21 contributions and expenditures made with respect to pre-
22 ceding elections;

23 (9) to prepare and publish such other reports as he
24 may deem appropriate;

1 (10) to assure wide dissemination of statistics, sum-
2 maries, and reports prepared under this title;

3 (11) to make from time to time audits and field
4 investigations with respect to reports and statements filed
5 under the provisions of this title, and with respect to
6 alleged failures to file any report or statement required
7 under the provisions of this title;

8 (12) to report apparent violations of law to the
9 appropriate law enforcement authorities; and

10 (13) to prescribe suitable rules and regulations to
11 carry out the provisions of this title.

12 (b) (1) Any person who believes a violation of this
13 title has occurred may file a complaint with the Comptrol-
14 ler General. If the Comptroller General determines there is
15 substantial reason to believe such a violation has occurred,
16 he shall expeditiously make an investigation, which shall
17 also include an investigation of reports and statements filed
18 by the complainant if he is a candidate, of the matter com-
19 plained of. Whenever in the judgment of the Comptroller
20 General, after affording due notice and an opportunity for a
21 hearing, any person has engaged or is about to engage in
22 any acts or practices which constitute or will constitute a
23 violation of any provision of this title or any regulation or
24 order issued thereunder, the Attorney General on behalf of
25 the United States shall institute a civil action for relief, in-

1 cluding a permanent or temporary injunction, restraining
2 order, or any other appropriate order in the district court of
3 the United States for the district in which the person is
4 found, resides, or transacts business. Upon a proper showing
5 that such person has engaged or is about to engage in such
6 acts or practices, a permanent or temporary injunction, re-
7 straining order, or other order shall be granted without bond
8 by such court.

9 (2) In any action brought under paragraph (1) of this
10 subsection, subpoenas for witnesses who are required to at-
11 tend a United States district court may run into any other
12 district.

13 (3) Any party aggrieved by an order granted under
14 paragraph (1) of this subsection may, at any time within
15 sixty days after the date of entry thereof, file a petition
16 with the United States court of appeals for the circuit in
17 which such person is found, resides, or transacts business,
18 for judicial review of such order.

19 (4) The judgment of the court of appeals affirming or
20 setting aside, in whole or in part, any such order of the dis-
21 trict court shall be final, subject to review by the Supreme
22 Court of the United States upon certiorari or certification
23 as provided in section 1254 of title 28 of the United States
24 Code.

25 (5) Any action brought under this subsection shall be

1 advanced on the docket of the court in which filed, and put
2 ahead of all other actions (other than other actions brought
3 under this subsection).

4 STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

5 SEC. 309. (a) A copy of each statement required to be
6 filed with the Comptroller General by this title shall be filed
7 with the clerk of the United States district court for the judi-
8 cial district in which is located the principal office of the
9 political committee or, in the case of a statement filed by a
10 candidate or other person, in which is located such person's
11 residence. The Comptroller General may require the filing of
12 reports and statements required by this title with the clerks
13 of other United States district courts where he determines
14 the public interest will be served thereby.

15 (b) It shall be the duty of the clerk of a United States
16 district court under subsection (a) —

17 (1) to receive and maintain in an orderly manner
18 all reports and statements required by this title to be
19 filed with such clerks;

20 (2) to preserve such reports and statements for a
21 period of ten years from date of receipt, except that
22 reports and statements relating solely to candidates for
23 the House of Representatives shall be preserved for
24 only five years from the date of receipt;

25 (3) to make the reports and statements filed with

1 him available for public inspection and copying during
2 regular office hours, commencing as soon as practicable
3 but not later than the end of the second day following
4 the day during which it was received, and to permit
5 copying of any such report or statement by hand or by
6 duplicating machine, as requested by any person, at the
7 expense of such person; and

8 (4) to compile and maintain a current list of all
9 statements or parts of statements pertaining to each
10 candidate.

11 PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

12 SEC. 310. No person shall make a contribution in the
13 name of another person, and no person shall knowingly
14 accept a contribution made by one person in the name of
15 another person.

16 PENALTY FOR VIOLATIONS

17 SEC. 311. Any person who violates any of the provi-
18 sions of this title shall be fined not more than \$1,000 or
19 imprisoned not more than one year, or both.

20 STATE LAWS NOT AFFECTED

21 SEC. 312. (a) Nothing in this title shall be deemed
22 to invalidate or make inapplicable any provision of any
23 State law, except where compliance with such provision of
24 law would result in a violation of a provision of this title.

25 (b) The Comptroller General shall encourage, and

1 cooperate with, the election officials in the several States to
2 develop procedures which will eliminate the necessity of
3 multiple filings by permitting the filing of copies of Federal
4 reports to satisfy the State requirements.

5 **PARTIAL INVALIDITY**

6 SEC. 313. If any provision of this title, or the application
7 thereof, to any person or circumstance is held invalid, the
8 validity of the remainder of the title and the application of
9 such provision to other persons and circumstances shall not
10 be affected thereby.

11 **REPEALING CLAUSE**

12 SEC. 314. (a) The Federal Corrupt Practices Act, 1925
13 (2 U.S.C. 241-256), is repealed.

14 (b) In case of any conviction under this title, where
15 the punishment inflicted does not include imprisonment, such
16 conviction shall be deemed a misdemeanor conviction only.

Amdt. No. 308

Calendar No. 223

92^D CONGRESS
1ST SESSION

S. 382

AMENDMENT

Proposed by Mr. PASTORE (for himself, Mr. TALMADGE, Mr. MANSFIELD, and Mr. CANNON) to S. 382, a bill to promote fair practices in the conduct of election campaigns
tices in the conduct of election campaigns
purposes.

JULY 21, 1971

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